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REMARKS

Restriction Requirement

As a result of the election made previously, claim 10 has been withdrawn from consideration, as it does not read upon the elected species as shown in Figure 9.

However, the Examiner is reminded that claim 1 is a generic claim, even as amended, so if it is allowable as a result of this response, then claim 10 should also be allowed.

Claim amendments

Claim 1 has been amended to include the limitations of claim 6 into claim 1, and, at line 10 to emphasize the adjacency of tubular portions that have "mutually adjoining edge contours." These amendments do not narrow the scope of the claim from that of claim 6, as it is effectively equivalent to putting claim 6 into independent form. As a result, claim 6 is cancelled. Due to the cancellation of claim 6, claim 40 is amended to change its dependency from claim 6 to claim 1.

As a result of the amendments, the pending claims are 1-5, and 7-58.

35 USC 102 rejections

The Examiner has made two rejections under 35 USC 102. The applicant will address them in the order stated by the Examiner.

Serruys

Claims 1-9, and 11-58 are rejected as being anticipated by Serruys, "Handbook of Coronary Stents." ("Serruys"). To quote the Examiner, "Serruys discloses all the structural limitations as claimed by Mueller, et al. See Chapter [sic] 13, pages 122-129."

The Examiner has greatly clarified his rejection by providing the shaded view of Fig. 13.1 of Serruys. While the applicant respectfully suggests that the Examiner has stretched the meaning of the term "connecting means" probably to the breaking point by suggesting that alternating tubular portions can define a "connecting means" with respect to the other tubular portions, the applicant respectfully notes that the amendment to claim 1 made above incorporates the limitation of claim 6 into claim 1, making claim 1 the equivalent of prior claim 6.

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Recognizing that the Examiner has rejected claim 6 as anticipated by Serruys, the applicant respectfully asks the Examiner to reconsider this rejection. Specifically, when the term "connecting means" is replaced by the term "connecting bar that extends substantially parallel to the longitudinal direction", it becomes clear that each of the tubular portions in Fig. 13.1 (instead of alternating tubular portions) qualify as the "at least two tubular portions arranged adjacently in a longitudinal direction" and the mutually adjoining edge contours of these tubular portions are in an "out of phase" relationship rather than the "in-phase" relationship required by amended claim 1. Hence, claim 1 does not read on Serruys Fig. 13.1, and claim 1 is allowable.

With respect to claim 58, even with the broader reading of the "connecting means," the Examiner is incorrect in stating that independent claim 58 is anticipated by Serruys Fig. 13.1. This is because the use of "tubular portions" as the connecting means separates the remaining "tubular portions" sufficiently that the edge contours of the two tubular portions are **not** "engaging into each other in the manner of a tooth configuration," as claim 58 requires.

For this reason, claim 58 is not anticipated by Serruys Fig. 13.1.

Since claims 1 and 58 are not anticipated by Serruys, and since all claims depend from either claim 1 or claim 58, then all claims are allowable over Serruys.

Dang '162

Claims 1-6, 8, 11-29, 46, 47 and 53 are rejected as being anticipated by Dang (US Patent 5,935,162) ("Dang '162"). Applicant respectfully traverses this rejection. Again, the applicant thanks the Examiner for the diagram taken from Fig. 2 of Dang '162. While the Examiner has drawn two lines showing an "in-phase" relationship, it is not taken of "mutually adjoining edge contours of said at least two adjacent tubular portions." The "in-phase" relationship exists between corresponding edge contours, once the connecting means are reduced to at least one "connecting bar that extends substantially parallel to the longitudinal direction," as claim 1 has now been amended by the inclusion of the limitation of claim 6 into claim 1.

For this reason, applicant respectfully asserts that claim 1 is not anticipated by Dang '162.

35 USC 103 rejections

The Examiner has rejected claims 7, 30-45 and 48-52 as being obvious over Dang '162 and US Patent 5,104,404 to Wolff ("Wolff '404"). While Wolff '404 does provide a single

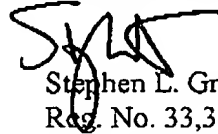
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connecting bar for attaching adjacent tubular portions, neither Wolff '404 nor Dang '162 teaches the "in-phase" relationship between mutually adjoining edge contours of adjacent tubular portions.

Based on this, Claims 7, 30-45 and 48-52 are not obvious over the combination of Dang '162 and Wolff '404, because all of these claims are dependent from allowable claim 1.

Prompt reconsideration and allowance of all of the claims is earnestly requested.

Respectfully submitted,



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